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Docket No 930008-2200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gerhard Floeble et al.

Application No.: 10/535,630

Confirmation No.: 9251

Filed: October 20, 2003 (PCT/EP03/011603)

Art Unit: 1625

For: TUBULYSINS, PREPARATION PROCESSES
AND TUBULYSIN PREPARATIONS

Examiner: John Mabry

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF WOLFGANG RICHTER, PH.D., UNDER 37 C.F.R. § 1.132

I, Dr. Wolfgang Richter, declare as follows:

1. I am managing Director of R&D Biopharmaceuticals GmbH, Munich, Germany. My field of research and expertise is in the area of organic and medicinal chemistry.
2. The following experimental data was obtained in accordance with the following citations:
T.-T. Yang, P. Sinai, S.R. Kain, *Analytical Biochemistry* 241, 103-108 (1996);
G. Kaur, M. Hollingshead, S. Holbeck, V. Schauer-Vukasinovic, R.F. Camalier, A. Dömling, S. Agarwal, *Biochem. J.* (2006) 396, 235-242.
3. The following experimental data shows that derivatives 2, 3, 5 and 6 carrying an ester group at residue R show a higher activity than derivatives 1 (tubulysin A) and 4 wherein R is OH.

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No	Structure	TURULYSIN	I ₉₂₉ IC50 [ng/ml]
1		Tubulysin A	0.2
2		NT5	0.02
3		NT6	0.02
4		NT9	0.1
5		NT10	0.04
6		NT14	0.05

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4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: *May 18th, 2009*

Respectfully Submitted,

By: *Wolfgang Richter*
Dr. Wolfgang Richter
Managing Director
R&D-Biopharmaceuticals GmbH